



PATENT

Customer No. 22,852

Attorney Docket No. 07057.0053-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Hisao KATO ) Group Art Unit: 1755  
Application No.: 10/670,600 )  
Examiner: P. L. Hailey  
Filed: September 26, 2003 ) Confirmation No. 9894  
For: FUEL CELL ELECTROCATALYST )  
AND METHOD OF PRODUCING )  
THE SAME )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after a Final Office Action and is accompanied by a fee of \$180.00 as specified under § 1.17(p) and a certification as specified under § 1.97(e). Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Each document listed in this Information Disclosure Statement was first cited in a communication from a foreign Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

04/22/2005 HALI11 00000101 10670600

01 FC:1806

180.00 DP

Copies of the foreign Patent Office communication and a translation are attached.

U.S. Patent No. 6,040,077 listed in the communication but not reported herein was the subject of an Information Disclosure Statement filed January 23, 2004.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a concise statement of relevance of the non-English language documents.

German Patent Publication No. DE 197 56 880 A1 corresponds to counterpart U.S. Patent 6,066,410 (copy attached).

A copy of a translation of the Abstract of EP 1 079 452 is attached.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

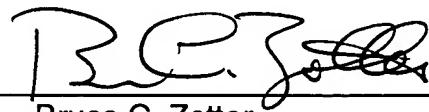
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 21, 2005

By:



Bruce C. Zotter  
Reg. No. 27,680

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <small>(Use as many sheets as necessary)</small>				<input checked="" type="checkbox"/> Application Number    10/670,600 <input checked="" type="checkbox"/> Filing Date    September 26, 2003 <input checked="" type="checkbox"/> First Named Inventor    Hisao KATO <input checked="" type="checkbox"/> Art Unit    1755 <input checked="" type="checkbox"/> Examiner Name    P. L. Haley <input checked="" type="checkbox"/> Attorney Docket Number    07057.0053	
Sheet	1	of	1		

## **U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		PCT WO 00/55928	09/21/00	A. Gorer		
		EP 0 952 241 B1	09/05/01	T. Itoh et al.		
		EP 1 079 452 A1	02/28/01	E. Auer et al.		Abstract
		DE 197 56 880 A1	07/01/99	E. Auer et al.		

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Initials <sup>5</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Official Action dated January 21, 2005	Yes

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.